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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,471	06/29/2001	Mary F. Hollinger	60027.0004US01/BS00318	9254

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EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,471

Applicant(s)

HOLLINGER ET AL.

Examiner

Wen-Tai Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-22 are presented for examination.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 103

3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glazer et al.[U.S. PGPub 20020032588].
4. As to claim 1, Glazer teaches the invention as claimed including: an appointment setting system for assigning a service order to a network resource, comprising:

an appointment negotiator operative to receive a service order from a customer and to deliver an appointment confirmation and an appointment rejection to the customer [e.g., paragraphs 12, 16 and 21; note that in a fully automated scheduling system, the web server interacting with the customers would serve as an appointment negotiator];

an appointment control system operative to receive the service order from the appointment negotiator and to determine the ability of a network resource to fulfill the service order [14, Fig.1; paragraph 13; note that the controller of Fig.1 may assume the functions of a negotiator and the appointment control]; and

a dispatch database operative to maintain a dispatch database record of commitments previously assigned to the network resource [paragraph 14];

wherein the appointment control system will deliver the appointment confirmation to the appointment negotiator and assigns the service order to the network resource, in response to a determination that the network resource can fulfill the service order [paragraph 19]; and

wherein the appointment control system will deliver the appointment rejection to the appointment negotiator, in response to a determination that the network resource cannot fulfill the service order [paragraph 24].

Glazer does not specifically teach that the service order is placed in a queue; and determine the ability of a network resource to fulfill the service order when the service order is next in the queue.

However, Glazer teaches that "The display of the schedule is filtered to show only time segments which meet the criteria associated with the individual customer. The criteria will include sponsoring organization availability, contiguous time slot availability and resource availability" [See Abstract]. Furthermore, it is well known that

certain customers choose not to supply their own preferred schedules, for which the nominal "first-come-first-serve" criterion is typically used to ensure fairness.

It would have been obvious to one of ordinary skill in the art that Glazer's scheduling controller also needs to apply the queuing principle for placing service orders in accordance with their arrival time [e.g., in particular when more than one customers request a same resource for the same time slot] because queuing the competing service orders ensures that all customers are fairly treated based on the nominal "first-come-first-serve" criterion.

Note that it is also obvious that prior to servicing each scheduled item, Glazer's controller needs to determine whether the required resources are available or not because disruption of resources could occur any time during the entire servicing course.

5. As to claim 2, Glazer further teaches that the appointment control system is a computer-implemented system that is electronically accessible by the appointment negotiator [paragraph 13].

6. As to claim 3, Glazer further teaches that the dispatch database record is an electronic record comprising a network resource schedule [paragraphs 13-14].

7. As to claim 4, Glazer further teaches that the dispatch database record is an electronic record comprising a set of tasks to which the network resource can be

assigned [paragraphs 14-15; e.g., certain tasks can be performed on certain days or time-slots due to equipment availability].

8. As to claim 5, Glazer further teaches that the dispatch database further comprises appointments assigned to another network resource [paragraphs 13-14; i.e., since the controller maintains a customer database, which is shared among distinct sponsoring organizations].

9. As to claims 6-7, Glazer further teaches that the appointment control system is further operative to determine whether a change has occurred to the dispatch database record. The appointment control system further determines whether the change affects the appointment confirmation [paragraphs 8, 17-18].

10. As to claim 8, Glazer further teaches that the appointment control system is further operative to automatically transmit the appointment rejection to the appointment negotiator, in response to a determination that the change in response to a determination that the change affects the appointment confirmation [Note that in view of Glazer's teachings at paragraphs 8, 17-18, an email is sent through the controller (which has integrated at least part of the human interaction functionality) to an affected customer].

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11. As to claim 9, Glazer does not specifically teach that the appointment control system is further operative to reassign the service order to another network resource, in response to a determination that the change affects the appointment confirmation.

However, Glazer teaches that: (1) the same central controller can be shared among several remotely located distinct sponsoring organizations with a customer database [paragraphs 13-14] and (2) customers may choose their preferential time slots for service [paragraph 5]. Additionally, it is well known in the art of medical services that a physician may belong to simultaneously belong to different service networks (such as insurance programs or hospitals).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Glazer's controller to reschedule a customer/patient of one sponsoring organization to be serviced at another sponsoring organization, because such collaboration effort could serve emergency needs and improve the quality of service.

12. As to claim 10, Glazer further teaches that the appointment control system is further operative to receive the service order from a third party through a third party gateway [paragraphs 13-14; i.e., since the same central controller is shared among several remotely located distinct sponsoring organizations and the connection is Internet-based, it is clear that Glazer can receive service order from customers using a different network but are connected to the controller via a gateway].

13. As to claim 11, since the features of this claim can also be found in claims 1-8, it is rejected for the same reasons set forth in the rejection of claims 1-8 above.

14. As to claims 14-15, Glazer further teaches that the step of determining whether a network resource can fulfill the service order comprises accessing the dispatch database to determine whether the network resource can be near the appointment location approximately at the appointment time, or is committed to another service order at the appointment time [paragraph 15].

15. As to claim 16, Glazer further teaches that the step of updating a dispatch database to reflect a reduction in a capacity value associated with the network resource comprises modifying a dispatch database record to indicate a commitment of the network resource to perform the service task at the appointment time and at the appointment location [paragraph 14; note that updating a database is part of the maintenance of a database].

16. As to claims 12-13 and 17- 22, since the features of these claims can also be found in claims 1-11 and 14-16, they are rejected for the same reasons set forth in the rejection of claims 1-11 and 14-16 above.

17. Applicant's arguments with respect to claims 1-21 on 1/24/2005 have been considered but are moot in view of the new ground(s) of rejection.

18. Applicant's arguments with respect to claim 22 on 1/24/2005 have been considered but they are not deemed to be persuasive.

Specifically, Applicant argues that Galzer's system notifies customers affected by the change in resources or personnel without suggesting automatically reassigning the appointment to another available resource.

19. The examiner respectfully disagrees. Note that claim 9 recites this portion of the claimed limitations, wherein claim 9 was rejected under U.S.C. 103(a) in the previous office action. Since the obviousness reasoning included in the rejection of claim 9 has not been challenged, it is submitted that the rejection of claim 22 is proper.

20. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) . If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:


(703)872-9306 for official communications; and
(571)273-3969 for status inquiries draft communication.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

May 26, 2005


5/26/05